

## CHAPTER 12    BINGO, RAFFLE, MONTE CARLO NIGHT PARTY AND SUPPLIERS' LICENSES

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### **1200    ELIGIBILITY FOR BINGO, RAFFLE, AND MONTE CARLO NIGHT PARTY LICENSES**

**1200.1**    In accordance with D.C. Code §2-2523 (1994 Repl. Vol.), no person, firm, partnership, association, organization, or corporation shall sponsor, conduct or hold a bingo game, raffle or Monte Carlo night party in the District of Columbia without a license issued by the Board.

**1200.2**    In accordance with D.C. Code §2-2523 (1994 Repl. Vol.), any person, firm, partnership, association, organization, or corporation engaged in, or existing for, charitable, benevolent, eleemosynary, humane, religious, philanthropic, recreational, social, educational, civic, fraternal, or other non-profit purposes to which contributions are deductible for federal or District income tax purposes is eligible for a license to conduct bingo, raffles and Monte Carlo night parties; Provided, that the following requirements have been met:

- (a)    Be incorporated in the District as a not-for-profit corporation pursuant to D.C. Code §29-501 (1996 Repl. Vol.), or be incorporated as a charitable, educational or religious organization pursuant to D.C. Code §29-1001 *et seq.* (1996 Repl. Vol.);
- (b)    Be authorized by its constitution, articles, charter, or bylaws to further a lawful purpose in the District;

- (c) Have at least twenty (20) members in good standing;
- (d) Have been in existence as an entity for not less than one (1) year immediately preceding its application for a license, during which one (1) year period a *bona fide* membership was actively engaged in furthering the lawful purpose authorized by its constitution, articles, charter, or bylaws; and
- (e) Operate without profit to its members and permit no part of any net earnings to inure to the benefit of any private shareholder, partner, employee, or individual.

1200.3 In accordance with D.C. Code §2-2523 (1994 Repl. Vol.), a constituent service program (D.C. Code §1-1443 (1992 Repl. Vol.) may be issued a license to conduct bingo games, raffles and Monte Carlo night parties.

1200.4 For the purpose of this title, the conduct of bingo, raffles and Monte Carlo night parties shall include execution, operation, control or supervision of bingo raffles or Monte Carlo night parties; nothing in this title shall prohibit unlicensed persons, firms or organizations from providing consultation, planning or training services to licensed organizations.

**AUTHORITY:** Unless otherwise noted, the authority for this chapter is §4 of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, D.C. Law 3-172, D.C. Code §2-2501 *et seq.* (1994 Repl. Vol.).

**SOURCE:** Final Rulemaking published at 35 DCR 3788 (May 20, 1988).

## 1201 SENIOR CITIZEN GROUPS

1201.1 Senior citizen groups shall be eligible for a license to conduct bingo games, raffles and Monte Carlo night parties if they are comprised entirely of members who are sixty (60) years of age or older, or fifty-five (55) years of age or older if handicapped, and have at least ten (10) members.

1201.2 Senior citizen groups applying for a Class A, a Class B, or a Class C bingo license according to §§1204.1 and 1204.8 shall be exempt from §§1200.2(c) and (d).

1201.3 Senior citizen groups applying for a recreational Class D bingo license according to §1204.1(d) shall be exempt from §1200.2 and all provisions of §1205, and §§1405.1, 1405.9, and 1405.10.

1201.4 Senior citizen groups applying for a Monte Carlo night party license according to §§1204.20 shall be exempt from §§1200.2(c) and (d).

**SOURCE:** Final Rulemaking published at 3788, 3789 (May 20, 1988).

## 1202 APPLICATION FOR ORIGINAL, RENEWAL, AND AMENDED BINGO, RAFFLE AND MONTE CARLO NIGHT PARTY LICENSES

1202.1 Each applicant for a license to conduct bingo, raffles or Monte Carlo night parties shall file an application on a form provided by the Board.

1202.2 Each application shall include the following:

- (a) Name and address of the applicant organization;
- (b) Type of license (bingo, raffle or Monte Carlo night parties);
- (c) Type of organization (religious, educational, fraternal, etc.);
- (d) Class of license;
- (e) Date of application;
- (f) Whether the applicant organization holds a current Letter of Determination from the District's Department of Finance and Revenue which allows contributions to the applicant organization to be deductible for District income tax purposes or holds a current Letter of Determination from the Internal Revenue Service which allows contributions to applicant organizations to be deductible for Federal income tax purposes;
- (g) How long the applicant organization has been in existence and actively engaged in furthering the lawful purpose authorized by its charter, constitution, articles, or bylaws;
- (h) Whether the applicant organization is currently incorporated in the District as a not-for-profit organization or association;
- (i) Whether the applicant is applying as a senior citizen group;
- (j) Name, address, telephone number, and date of birth of the member-in-charge and deputy member-in-charge;
- (k) Name, address, telephone number, and date of birth of the person responsible for utilization of gross receipts;
- (l) Names and address of twenty (20) active members of the organization, ten (10) for senior citizen groups;
- (m) For bingo applicants, the date, times, and place of a regular bingo event or limited period bingo. Bingo operations shall not be held between 12:00 midnight and 9:00 a.m.
- (n) For raffle applicants, the price of raffle tickets and number of tickets printed or to be printed, the aggregate value of prizes, the date, time, and place of the raffle drawing; and for classes 1, 2, 3, 4 and 5 a sworn statement of the ticket printer, verifying total number of tickets printed, the first and last numbers of tickets, and that the tickets were numbered consecutively without duplication;
- (o) For Monte Carlo night party applicants, the date, time and place of the event;

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- (p) The lawful purpose of funds raised from bingo, raffles or Monte Carlo night party activities;
- (q) Whether the applicant intends to lease premises;
- (r) The license fees and bonds required by the Board; and
- (s) The constitution or bylaws for the applicant organization.

1202.3 If there is a material change in any factor listed in §1202.2, the applicant or licensed organization shall file an amended license application within ten (10) days of the material change or knowledge that a material change is about to occur.

1202.4 In accordance with D.C. Code §2-2502 (1994 Repl. Vol.), the issuance of any original, renewal, or amended license shall require the affirmative vote of at least four (4) members of the Board.

SOURCE: Final Rulemaking published at 35 DCR 3788, 3789 (May 20, 1988).

**1203 CO-SPONSORING ORGANIZATIONS**

1203.1 Any organization which meets the requirements set forth in this chapter for a license may apply to co-sponsor a bingo operation, a raffle or a Monte Carlo night party.

1203.2 Co-sponsors shall conduct bingo operations, raffles and Monte Carlo night parties under a single license with the same member-in-charge, deputy member-in-charge, and person responsible for gross receipts, and pay a single license fee and file a single financial report pursuant to §§1413, 1508 and 1610 of this title

1203.3 All agreements between co-sponsoring organizations applying to the Board for a license shall be reduced to a written contract.

1203.4 All contracts between co-sponsors shall be submitted to the Board with the application for a license and shall include the following information:

- (a) Percentage of the handle each co-sponsor shall receive from the bingo operations, raffles or Monte Carlo night parties;
- (b) Terms of discount, if any, in raffle ticket prices; and
- (c) All other financial arrangements.

SOURCE: Final Rulemaking published at 35 DCR 3788, 3791 (May 20, 1988).

**1204 BINGO, RAFFLE AND MONTE CARLO NIGHT PARTY LICENSES AND FEES**

1204.1 The Board shall issue the following four (4) classes of regular bingo licenses:

- (a) A **Class A** regular bingo license shall be required to conduct a bingo operation for five hundred (500) or more players. The application fee for a Class A regular bingo license shall be five hundred dollars (\$500);
  - (b) A **Class B** regular bingo license shall be required to conduct a bingo operation for two hundred fifty-one to four hundred ninety-nine (251 to 499) players. The application fee for a Class B regular bingo license shall be two hundred fifty dollars (\$250);
  - (c) A **Class C** regular bingo license shall be required to conduct a bingo operation for two hundred fifty (250) or fewer players. The application fee for a Class C regular bingo license shall be fifty dollars (\$50). A Class C regular bingo license fee for senior citizen groups shall be ten dollars (\$10); and
  - (d) A **Class D** regular bingo license shall be required by senior citizen groups to conduct a bingo operation for recreational purposes. For the purpose of this paragraph, "bingo for recreational purposes" means bingo played for the entertainment of the players, not as a fund-raising activity. There is no application fee for a Class D regular bingo license.
- 1204.2 A licensed organization shall file a renewal application on a form provided by the Board at least forty-five (45) days before the expiration date of the license to be renewed.
- 1204.3 The application fee for any renewal regular bingo license shall be the same as for an original regular bingo license of the same class.
- 1204.4 There shall be no fee for amending a bingo, raffle or Monte Carlo night party license.
- 1204.5 An amended license shall not alter the effective dates of the original or renewal license.
- 1204.6 A regular bingo license shall be valid for one (1) year from the effective date of the license and shall allow for not more than two (2) bingo operations per week.
- 1204.7 A licensed organization operating under a regular bingo license shall not operate between 12 midnight and 9 a.m. nor conduct bingo for more than four (4) hours in any twenty-four hour (24 hr.) period.
- 1204.8 The Board shall issue the following three (3) classes of limited period bingo licenses:
- (a) A **Class A** limited period bingo license shall be required to conduct a bingo operation for five hundred (500) or more players. The application fee for a Class A limited period bingo license shall be two hundred dollars (\$200);
  - (b) A **Class B** limited period bingo license shall be required to conduct a bingo operation for two hundred fifty-one to four hundred ninety-nine (251 to

499) players. The application fee for a Class B limited period bingo license shall be one hundred dollars (\$100); and

- (c) A **Class C** limited period bingo license shall be required to conduct a bingo operation for two hundred fifty (250) or fewer players. The application fee for a Class C limited period bingo license shall be twenty-five dollars (\$25). A Class C limited period bingo license fee for senior citizens shall be ten dollars (\$10).

1204.9 A limited period bingo license shall be valid for three (3) consecutive days and shall allow for no more than two (2) bingo operations during the three-day (3) period.

1204.10 The Board shall issue no more than four (4) limited-period bingo licenses to any organization in any twelve (12) month period.

1204.11 A licensed organization operating under a limited-period bingo license shall conduct bingo for no more than eight (8) hours in any twenty-four hour (24 hr.) period; Provided, that bingo is not conducted between 12:00 a.m. and 9 a.m.

1204.12 A licensed organization operating under a regular bingo license or limited-period bingo license shall conduct bingo only during the hours stated on the license.

1204.13 A licensed organization shall hold only one (1) bingo license at any one time, except that a licensed organization may hold two (2) bingo licenses at the same time if one (1) license is a regular bingo license and the other is a limited-period bingo license.

1204.14 The Board shall issue the following five (5) classes of raffle licenses:

- (a) A **Class 1** raffle license shall allow the operation of a raffle which shall end in a period not to exceed one (1) year from the effective date of the license. There is no limit on the value of the prize or prizes offered. The application fee for a Class 1 raffle license shall be two hundred dollars (\$200);
- (b) A **Class 2** raffle license shall allow the operation of a raffle which shall end in a period not to exceed one (1) year from the effective date of the license. The aggregate value of the prize or prizes offered shall not exceed one hundred thousand dollars (\$100,000). The application fee for a Class 2 raffle license shall be one hundred dollars (\$100);
- (c) A **Class 3** raffle license shall allow the operation of a raffle which shall end in a period not to exceed one (1) year from the effective date of the license. The aggregate value of the prize or prizes offered shall not exceed fifteen thousand (\$15,000). The application fee for a Class 3 raffle license shall be fifty dollars (\$50);
- (d) A **Class 4** raffle license shall allow the operation of a raffle which shall end in a period not to exceed one hundred eighty (180) days from the effective date of the license. The aggregate value of the prize or prizes offered shall

not exceed three thousand dollars (\$3,000). The application fee for a Class 4 raffle license shall be twenty-five dollars (\$25); and

- (e) A **Class 5** raffle license shall allow the operation of a raffle which shall end in a period not to exceed one hundred eighty (180) days from the effective date of the license. The aggregate value of the prize or prizes offered shall not exceed five hundred dollars (\$500). The application fee for a Class 5 raffle license shall be ten dollars (\$10).

- 1204.15 A licensed organization shall hold only one (1) raffle license of the same class at any one time.
- 1204.16 The Board shall issue a license for each Monte Carlo night party.
- 1204.17 In accordance with D.C. Code §2-2522.1(c) (1994 Repl. Vol.), no licensed organization shall hold more than two (2) Monte Carlo night parties in a calendar year.
- 1204.18 The aggregate value of the prize or prizes offered at a Monte Carlo night party shall not exceed one hundred thousand dollars (\$100,000).
- 1204.19 The application fee for a Monte Carlo night party license shall be one hundred dollars (\$100).
- 1204.20 The application fee for a Monte Carlo night party license for senior citizen groups shall be ten dollars (\$10).
- 1204.21 The required fees for bingo, raffles and Monte Carlo night party licenses shall cover license fees for the member-in-charge, deputy member-in-charge, and the member responsible for gross receipts.

SOURCE: Final Rulemaking published at 35 DCR 3788, 3792 (May 20, 1988).

## **1205 BONDING**

- 1205.1 The Board shall require a license bond from a surety agent licensed to do business in the District from each applicant for a license to conduct bingo, raffle and Monte Carlo night parties at the time application is made.
- 1205.2 In accordance with D.C. Code §2-2525 (1994 Repl. Vol.), the bond required in §1205.1 shall guarantee the faithful discharge of the duties of the member responsible for gross receipts, payment of expenses, including fees and taxes, that net proceeds are expended for a lawful purpose, and that all prizes are awarded.
- 1205.3 The amount of the bond shall be at least fifteen percent (15%), above the aggregate value of the prize.

SOURCE: Final Rulemaking published at 35 DCR 3788, 3795 (May 20, 1988).

**1206 ELIGIBILITY FOR SUPPLIERS' LICENSE**

1206.1 No person, firm, partnership, association, organization, or corporation shall sell, rent, lease or distribute gaming supplies or equipment for bingo games, raffles and Monte Carlo night parties to any licensed organization without a license issued by the Board.

1206.2 Except as provided in §1206.4, any person, firm, partnership, or corporation incorporated in the District or authorized to do business in the District with a resident agent who is authorized to be served legal documents and receive notices, orders and directives from the Board is eligible to apply for a license to sell, rent or distribute bingo and Monte Carlo night party supplies or equipment to licensed organizations.

1206.3 The Board shall consider the following factors in determining the eligibility of an applicant for a supplier's license:

- (a) The business experience of the applicant;
- (b) The veracity and accuracy of the information supplied in the application for a supplier's license;
- (c) The applicant's indebtedness to the District or other state or local government and other factors relating to financial reliability that indicate that the applicant will conduct business in a responsible and honest manner;
- (d) The applicant's business performance record and business practices; and
- (e) A pending lawsuit or bankruptcy proceeding involving or affecting the applicant.

1206.4 The following persons shall not be eligible for a supplier's license:

- (a) In accordance with D.C. Code §2-2528 (1994 Repl. Vol.) a person convicted of a felony who has not received a pardon or has not been released from parole or probation for at least five (5) years prior to his or her applying for a suppliers' license;
- (b) A person who is or has been a professional gambler or gambling promoter;
- (c) A business in which a person disqualified under paragraph (a) or (b) of this subsection is employed or active or in which a person is married or related in the first degree of kinship to such person who has an interest of more than ten percent (10%) in the business;
- (d) Public officers or public employees of the District, if the Board determines that a conflict of interests exist; and
- (e) Board members and employees of the Board.

**1206.5** For the purpose of §1206.4(b), "professional gambler" means a person who makes a living primarily in pursuing the business or practice of gaming by the use of cards, dice, or other gambling device with the purpose of thereby winning money or other property, or who conducts, either as owner or employee, a place for gambling. Casual gambling for amusement and legalized gambling do not come within the definition of a professional gambler.

**1206.6** For the purpose of §1206.4(b), "gambling promoter" means a person who begins, secures financing for, or assists in the organization or conduct of a gambling operation, unless these activities were conducted pursuant to the laws of another jurisdiction.

**SOURCE:** Final Rulemaking published at 35 DCR 3788, 3795 (May 20, 1988).

**1207 APPLICATION FOR ORIGINAL, RENEWAL OR AMENDED SUPPLIERS' LICENSES**

**1207.1** Each applicant for an original, renewal or amended license shall file an application on a form provided by the Board.

**1207.2** In accordance with D.C. Code §2-2526 (1994 Repl. Vol.), the following information shall be included on each application:

- (a) Name and address of the applicant;
- (b) Type of business or organization;
- (c) Date and place of establishment;
- (d) Name and address of each officer, director, shareholder partner, or other person with an ownership interest in the applicant's business;
- (e) Statement showing the gross receipts realized in the preceding year on the purchase, sale, rental or distribution of bingo or Monte Carlo night party supplies and equipment to licensed organizations;
- (f) Name and address of any supplier or manufacturers of supplies or equipment;
- (g) List of all gaming equipment and gaming supplies to be sold, rented or distributed to licensed organizations during the period of this license;
- (h) Number of years the applicant has been in business of supplying supplies and equipment;
- (i) Copy of applicant's license to do business in the District if the applicant is incorporated or organized in the District. If the applicant business is organized outside of the District, the name and address of a resident agent who is authorized to be served legal documents and receive notice, orders, and directives of the Board;

- (j) A certified copy of the price list of the applicants supplies and equipment which shall remain effective during the course of the license;
  - (k) License fee; and
  - (l) Police clearance reports for owners and officers from the District and jurisdiction of residence and the business.
- 1207.3 A licensed organization shall notify the Board within ten (10) days of any material change in the organization, structure, mode of operations, or of any change in the identity of persons named or required to be named in the application, or of the nature or extent of their interest, or of any other change respecting any facts set forth in the application.
- 1207.4 An amended license shall not alter the effective dates of the original or renewal license.
- 1207.5 The Board shall not accept any application unless all information, fees, and bonds required by the Board are submitted with the application.
- 1207.6 The issuance of any original, renewal, or amended suppliers' license shall require the affirmative vote of at least four (4) members of the Board.
- 1207.7 A licensed supplier shall file a renewal application on a form provided by the Board at least forty-five (45) days before the expiration date of the license to be renewed.
- 1207.8 Before a suppliers' license may be renewed, the supplier shall compile and file a statement reporting for the previous year, the sales, rental or distribution of bingo and Monte Carlo night party equipment and supplies to organizations licensed by the Board under this chapter. The statement shall be on a form prepared by the Board.

**SOURCE:** Final Rulemaking published at 35 DCR 3788, 3797 (May 20, 1988).

## **1208 SUPPLIER'S LICENSE**

- 1208.1 The Board shall issue one class of supplier's license for the following:
- (a) The sale, rental or distribution of bingo supplies and equipment;
  - (b) The sale, rental, or distribution of Monte Carlo night party supplies and equipment; and
  - (c) The provision of personnel to operate equipment at a Monte Carlo night party.
- 1208.2 The duration of the license is one (1) year.
- 1208.3 The license fee for a supplier's license for the first year of operation shall be one hundred dollars (\$100).

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1208.4 The supplier shall pay a renewal license fee based on the supplier's gross sales of supplies equipment and provision of personnel, if applicable, to the licensed organizations during the preceding year.

1208.5 The fee shall be in accordance with the following schedule:

<u>Amount of Gross Sales</u>	<u>Fees</u>
Less than \$5,000	\$100
Between \$5,000 and \$19,999.99	\$200
Between \$20,000 and \$49,999.99	\$400
More than \$49,999.99	\$600

1208.6 The fee for any amended supplier's license, shall be fifteen dollars (\$15).

1208.7 License fees shall be paid by check, or U.S. postal money order.

1208.8 The Board shall require a bond in the amount of ten thousand dollars (\$10,000) from a surety company licensed to do business in the District from each applicant for a suppliers' license at the time application is made. The bond shall guarantee that all goods or services are delivered to licensed organizations.

1208.9 The books and records required herein shall be kept by the licensed supplier for a period of five (5) years following the expiration date of the original or renewal license.

**SOURCE:** Final Rulemaking published at 35 DCR 3788, 3798 (May 20, 1988).

**1209 PROHIBITED SUPPLIERS' ACTIVITIES**

1209.1 Suppliers shall be prohibited from engaging in activities relating to the sale of bingo equipment in accordance with D.C. Code §2-2529 (1994 Repl. Vol.).

1209.2 During the term of the license, suppliers of Monte Carlo night party equipment shall not do the following:

- (a) Sell, rent, or distribute equipment and supplies to any person or organization other than a licensed organization;
- (b) Sell, rent, or distribute equipment at prices other than the prices on file with the Board;
- (c) Sell, rent, or distribute equipment which is not registered with the Board;
- (d) Be present to transact business during a Monte Carlo night party, unless that supplier has a written contract approved by the Board to operate a Monte Carlo Night party for a licensed organization; and
- (e) Assign or transfer its license to any other party.

SOURCE: Final Rulemaking published at 35 DCR 3788, 3799 (May 20, 1988).

**1210 DENIAL, REVOCATION, OR SUSPENSION OF BINGO, RAFFLE, AND MONTE CARLO NIGHT PARTY LICENSES AND SUPPLIERS' LICENSES**

**1210.1** The Board may deny any application for a license, or suspend for up to sixty (60) days, or revoke the license of any licensed organization or licensed supplier for any one of the following reasons:

- (a) If an applicant for a bingo, raffle or Monte Carlo night party license does not meet the requirements of §1200 or 1201;
- (b) If an applicant for a bingo, raffle or Monte Carlo night party license does not meet the requirements of §1206;
- (c) If the applicant or licensed organization uses false or misleading information to obtain a license;
- (d) If the applicant, or licensed organization, or licensed supplier violates any applicable provisions of D.C. Code §2-2501 *et seq.* (1994 Repl. Vol.) or this title;
- (e) Fraudulent or dishonest conduct in the operation of bingo, raffles and Monte Carlo night parties; and
- (f) Other good cause.

**1210.2** The Board shall deny any application for a bingo, raffle and Monte Carlo night party license where bingo and Monte Carlo Night party is to be played, or a raffle is to be drawn, in the Federal enclave, the Old Georgetown district or in the Shipstead-Luce Boundaries.

**1210.3** A license issued by the Board is not assignable or transferable.

**1210.4** A license issued by the Board shall remain in effect until the expiration date indicated on the license unless suspended or revoked by the Board.

**1210.5** If the Board denies an application for a license or suspends or revokes a license, the applicant, the licensed organization or licensed supplier is entitled to a hearing in accordance with Chapter 3 of the Board's rules.

**1210.6** An applicant denied a license, a licensed organization or supplier whose license is suspended or revoked shall receive a written notice of denial, suspension or revocation by certified mail, return receipt requested, stating the following:

- (a) The reason for denial, revocation or suspension;
- (b) The right to contest the denial, revocation or suspension at a hearing before the Board; and
- (c) The right to be represented by counsel or any other person.

**SOURCE:** Final Rulemaking published at 35 DCR 3788, 3800 (May 20, 1988).

**1211      EMERGENCY SUSPENSION OF BINGO, RAFFLE AND MONTE CARLO  
NIGHT PARTY AND SUPPLIERS' LICENSES**

- 1211.1**      If a licensed organization or licensed supplier violates any of the provisions of Chapters 12, 13, 14, 15, 16, or 17 and the Director finds that the public health, safety or welfare imperatively requires emergency action, the Director may temporarily suspend a license for no more than thirty (30) days without a hearing.

**SOURCE:** Final Rulemaking published at 35 DCR 3788, 3801 (May 20, 1988).

